



ATTENTION

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

1 Marqueeina O'Neal (Estate) Case No. 03CEPR01456

Atty Kruthers, Heather (for Public Administrator – Successor Administrator)

Atty Tomlin, Timothy J. (for Western Surety Company - Objector)

Petition for Surcharge Against Former Administrator for Breach of Duty

DOD: 11/15/2002		PUBLIC ADMINISTRATOR , Successor Administrator, is petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Petitioner states: on June 21, 2007, the Court issued a minute order reading, "the court orders the Public Administrator is appointed...Personal Representative Christopher O'Neal is Removed."	Minute Order: Mr. Fallat appears via Court Call. Mr. Fallat's request for a continuance to conduct discovery is granted. The Court continues the petition and the objection to 07/20/2015.
Cont. from 031615		The Court is respectfully referred to the PA's status report filed on 05/20/2014. Therein, the PA reported that she has been unable to make contact with any of the heirs, including the former administrator.	
	Aff.Sub.Wit.		
✓	Verified	On 03/29/2004, the former administrator filed a final Inventory and Appraisal showing the value of the estate to be \$145,000.00 consisting solely of real property. The PA was able to determine that Christopher O'Neal put the property in his name, took out a loan against it, and then lost the house to foreclosure. He used part of the loan proceeds to purchase a new pick up, which the PG was able to marshal and sell for \$16,400.00.	
	Inventory		
	PTC	Christopher O'Neal never filed an accounting with the Court or provided any documents to the PA as directed by the Court. Due to his breach of fiduciary duty as personal representative, he should be surcharged the full value of the estate, \$145,000.00, less the amount recovered, \$16,400, for a total surcharge of \$128,600.	
	Not.Cred.		
✓	Notice of Hrg	On 12/08/2003, proof of a \$50,000 bond was filed, as required by the Court. The bond company that issued it was Western Surety Company. Since it appears the PA will not be able to collect the judgment from Christopher O'Neal, he requests an order directing Western Surety Company, or the successor of that company, to pay the \$50,000 bond to the PA. Proper notice of this hearing will be given to the bond company.	
✓	Aff.Mail		
	Aff.Pub.	Wherefore, petitioner prays for an order that:	
	Sp.Ntc.		
	Pers.Serv.	<ol style="list-style-type: none"> 1. The Court find Christopher O'Neal breached his fiduciary duty as personal representative of the above-named estate; 2. The Court find that Christopher O'Neal's breach cost the estate the amount of \$128,600, and surcharge him that amount; 3. The Court make an order that Western Surety Company, or any successor of that company, be ordered to pay the bond of \$50,000 to the PA; and 4. The Court make any other proper orders. 	
	Conf. Screen		
	Letters	Please see additional page for Objection	
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	Order		
	Aff. Posting		Reviewed by: LV
	Status Rpt		Reviewed on: 07/15/2015
	UCCJEA		Updates:
	Citation		Recommendation:
	FTB Notice		1 – O'Neal
			File 1 – O'Neal

Objection to Petition for an Order of Surcharge and Demand for Evidentiary Hearing After Completion of Discovery filed on 03/09/2015 by Attorney Timothy J. Tomlin for Western Surety Company states they object to the Petition for surcharge filed by the Fresno County Public Administrator and requests an evidentiary hearing be set in late 2015 to permit WSC sufficient time to defend the allegations raised in the petition.

WSC issued a \$50,000.00 fiduciary bond to secure the faithful performance of fiduciary Christopher O'Neal as administrator. As such, it may be jointly and severally liable for any defalcations committed by Mr. O'Neal. WSC is an "interested person" in this proceeding and is entitled to participate in discovery and otherwise defend the surcharge claim to minimize any potential exposure on the administrator bond.

WSC and the personal representative Christopher O'Neal are entitled to an evidentiary hearing on the allegations raised. Each of the categories of alleged misconduct and related issues must be fully explored prior to the imposition of any surcharge. Ultimately, a trial may have to be set if a settlement cannot be reached and evidence hearing on the allegations. The Court should afford WSC and Mr. O'Neal with an opportunity to defend the allegations. This prevents the injustice of binding the principal and the sureties to the consequences of a proceeding in which there has been an insufficient opportunity to engage in discovery, present evidence, and cross examine the witnesses.

For the foregoing reasons, WSC requests that the Court set an evidentiary hearing with a time estimate of three (3) days for a date in August, 2015.

Petition for Termination of Guardianship

See petition for details.			NEEDS/PROBLEMS/ COMMENTS:
			Continued from 6/15/15. The following issues remain:
Cont. from 061515			1. Need Notice of Hearing.
<input type="checkbox"/>	Aff.Sub.Wit.	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	Verified	<input type="checkbox"/>	2. Need proof of service of Notice of Hearing at least 15 days prior to the hearing on the minor and all relatives pursuant to Probate Code §1460(b)(5) <u>or</u> consent and waiver of notice: - Andrea Arreola (Minor) - Ricardo Arreola (Father) - Olivia Torres (Mother) - Ricardo Arreola, Sr. (Paternal Grnadfather) - Theresa Acosta (Paternal Grandmother) - Grace Hernandez (Maternal Grandmother) - Siblings age 12 or older
<input type="checkbox"/>	Inventory	<input type="checkbox"/>	
<input type="checkbox"/>	PTC	<input type="checkbox"/>	
<input type="checkbox"/>	Not.Cred.	<input type="checkbox"/>	
<input type="checkbox"/>	Notice of Hrg	<input checked="" type="checkbox"/>	
<input type="checkbox"/>	Aff.Mail	<input checked="" type="checkbox"/>	
<input type="checkbox"/>	Aff.Pub.	<input type="checkbox"/>	
<input type="checkbox"/>	Sp.Ntc.	<input type="checkbox"/>	
<input type="checkbox"/>	Pers.Serv.	<input type="checkbox"/>	
<input type="checkbox"/>	Conf. Screen	<input type="checkbox"/>	
<input type="checkbox"/>	Letters	<input type="checkbox"/>	
<input type="checkbox"/>	Duties/Supp	<input type="checkbox"/>	
<input type="checkbox"/>	Objections	<input type="checkbox"/>	
<input type="checkbox"/>	Video Receipt	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	CI Report	<input type="checkbox"/>	
<input type="checkbox"/>	9202	<input type="checkbox"/>	
<input checked="" type="checkbox"/>	Order	<input type="checkbox"/>	
<input type="checkbox"/>	Aff. Posting	<input type="checkbox"/>	
<input type="checkbox"/>	Status Rpt	<input type="checkbox"/>	
<input type="checkbox"/>	UCCJEA	<input type="checkbox"/>	
<input type="checkbox"/>	Citation	<input type="checkbox"/>	
<input type="checkbox"/>	FTB Notice	<input type="checkbox"/>	
			Reviewed by: skc
			Reviewed on: 7/15/15
			Updates:
			Recommendation:
			File 4 - Arreola

5

Jaiden Blain Musgrave (GUARD/P)

Case No. 13CEPR00325

Mother Carrillo, Whittnie (Pro Per – Mother – Petitioner)

Guardian Musgrave, Shelly A. (Pro Per – Paternal Grandmother – Guardian)

Petition for Termination of Guardianship

See petition for details.			NEEDS/PROBLEMS/COMMENTS: 1. The server's information is not on the proofs of service for the relatives. See Notices of Hearing filed 7/10/15. The Court may require amended proofs of service.
Cont. from 061515			
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail	W	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
✓	Objections		
	Video Receipt		
✓	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: skc
			Reviewed on: 7/15/15
			Updates:
			Recommendation:
			File 5 - Musgrave

5

6 Martha Celeste Patrick (CONS/P/E) Case No. 13CEPR01035

Attorney: Heather H. Kruthers (for Petitioner/former conservator, Public Guardian)

Attorney: Curtis D. Rindlisbacher (Court appointed for Conservatee)

Conservator: Gregory Ramirez (pro per)

Conservator: Silvia M. Torres-Ramirez (pro per)

First and Final Account and Report of Conservator; Petition for Allowance of Compensation to Conservator and her Attorney

			<p>PUBLIC GUARDIAN, Former Conservator, is petitioner.</p> <p>Account period: 1/14/14 – 5/5/15</p> <p>Accounting - \$25,754.19 Beginning POH - \$10,732.11 Ending POH - \$ 2,903.49</p> <p>Conservator - \$10,150.64 (87.86 Deputy hours @ \$96/hr and 22.58 Staff hours @ \$76/hr)</p> <p>Attorney - \$1,500.00 (less than allowed per Local Rule)</p> <p>Bond fee - \$25.00 (o.k.)</p> <p>Court fees - \$182.00 (certified copies)</p> <p>Petitioner request that due to the insufficiency of the estate to pay the fees and commissions that a lien be imposed upon the estate for any unpaid balances of the authorized fees and commissions.</p> <p>Petitioner prays for an Order:</p> <ol style="list-style-type: none"> 1. Approving, allowing and settling the first and final account; 2. Authorizing the conservator and attorney fees and commissions; 3. Payment of the bond fee and court fees; 4. Authorize petitioner to impose a lien on the estate for any unpaid balances of authorized fees and commission. 	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p>Note: GREGORY RAMIREZ and SILVIA TORRES- RAMIREZ were appointed successor Conservators on 4/21/15.</p>
Cont. from				
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail	W/		
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
			<p>Reviewed by: KT</p> <p>Reviewed on: 7/15/15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 6 – Patrick</p>	

7 Gloria Coyle (CONS/PE)**Case No. 13CEPR01076**

Petitioner/Conservator: Cynthia C. Thomas (pro per)

Petitioner/Conservator: Pamela J. Thomas (pro per)

First Account Current, Report of Co-Conservators and Petition for its Settlement, for Approval of Gifts to Relatives, and for Allowance of Co-Conservators' Compensation and Mileage Reimbursement

		CYNTHIA C. THOMAS and PAMELA J. THOMAS , Co-Conservators, are petitioners.	NEEDS/PROBLEMS/COMMENTS:
		Account period: 1/29/14 – 1/31/15	<ol style="list-style-type: none"> 1. Need Notice of Hearing. 2. Need proof of service of the Notice of Hearing on: <ol style="list-style-type: none"> a. Gloria Coyle (conservatee) 3. Need proof of service of the Notice of Hearing along with a copy of the petition on: <ol style="list-style-type: none"> a. Jared Marshall – Pursuant to Request for Special Notice filed on 6/1/15. 4. Accounting was not verified. Probate Code §1021. 5. Disbursement Schedule includes credit card payments totaling 3,619.00 without stating the nature and purpose of the disbursement. Probate Code §1062(b). If the payments are for purchases made by the conservatee prior to the establishment of the conservatorship then the petition should state that including the beginning and ending balances of the accounts. Probate Code §1064(a)(2). If there are liabilities at the end of the account then the accounting should include a schedule showing said liabilities. Probate Code §1063(g).
Cont. from			
<input type="checkbox"/>	Aff.Sub.Wit.	Accounting - \$290,328.00	<p>Please see additional page</p> <p>Reviewed by: KT</p> <p>Reviewed on: 7/15/15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 7 – Coyle</p>
<input type="checkbox"/>	Verified	Beginning POH - \$238,381.05	
<input type="checkbox"/>	Inventory	Ending POH - \$263,996.74	
<input type="checkbox"/>	PTC		
<input type="checkbox"/>	Not.Cred.		
<input type="checkbox"/>	Notice of Hrg	Current bond: \$65,790.60	
<input checked="" type="checkbox"/>	Aff.Mail	Conservator (Cynthia)- \$2,342.91 71 hours @ \$30/hr and 380.20 miles @ \$0.56/mile for medical appointments, taxes, moving the conservatee, etc.)	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.	Petitioner state they advanced, from their personal funds, \$5,000.00 to Dowling Aaron Inc. for attorney fees and costs in the initiation of the conservatorship. Petitioners requests reimbursement of the \$5,000.00 (\$2,500 each).	
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input type="checkbox"/>	Letters		
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt	Petitioners state prior to their appointment, conservatee's daughter, Julia Coyle, had the conservatee sign a transfer document transferring the conservatee's 2007 Toyota Corolla to her and took possession of the vehicle. After their appointment, Petitioners tried to gain possession of the vehicle but where unsuccessful. After conferring with their attorney regarding the cost of recovery, it was believed to be in the best interest of not to pursue recovery.	
<input checked="" type="checkbox"/>	2620(c)		
<input type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		

NEEDS/PROBLEMS/COMMENTS (cont.):

6. Petition requests reimbursement of \$5,000.00 that was paid to the attorney from the personal funds of the Petitioners. Need copy of the attorney billing statement showing what was paid. (Declaration states an itemization is attached, however no itemization is attached.)
 7. Need proposed order.
-

Petitioners request approval of gifts made from the conservatorship estate as follows:
\$100.00 to Conservatee's granddaughter, Kimberly Franco and her husband for their 25th wedding anniversary.
\$50.00 to Conservatee's granddaughter, Kerri Peterson and her family for Christmas gifts.

Petitioners request bond be increased \$119,287.67.

Petitioners pray for an Order:

1. Approving, allowing, and settling the first account and report of co-conservators;
2. Gifts to family members be approved and ratified;
3. Authorization to pay Conservator, Cynthia Thomas, \$2,342.91 for services to the conservatorship estate;
4. Petitioners be directed to file an additional bond in the amount of \$53,578.67 for a total bond of \$119,287.67;
5. Petitioners be authorized to pay Cynthia Thomas and Pamela Thomas \$2,500 each (for a total of \$5,000.00) as reimbursement of attorney's fees and costs paid out-of-pocket in this conservatorship proceeding.

Note: If the petition is granted, status hearings will be set as follows:

- **Wednesday, September 14, 2015** at 9:00 a.m. in Department 303, for the filing of the increased bond.
- **Wednesday, March 29, 2017** at 9:00 a.m. in Department 303, for the filing of the second account.

Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior the date set the status hearing will come off calendar and no appearance will be required.

Court Investigator Julie Negrete's Report filed on 2/2/15.

**Attorney
Attorney**

Teixeira, J. Stanley
Howk, Robert L

Status Hearing RE: Filing of First Account

			<div>NEEDS/PROBLEMS/COMMENTS:</div> <div><div>OFF CALENDAR</div><div>First account filed 7/14/15 is set for hearing on 8/20/15.</div></div>
	Aff.Sub.Wit.		
	Verified		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg		
	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: skC
			Reviewed on: 7/15/15
			Updates:
			Recommendation:
			File 10 – Ratliff

11 Isaiah Zayne Ross (GUARD/P)**Case No. 14CEPR00341**

Petitioner Hoyos, Lisa Marie (Pro Per – maternal aunt)

Petitioner Hoyos, Jeremy Joseph (Pro Per – maternal uncle)

Petition for Appointment of Guardianship of the Person

Age: 1	<u>TEMPORARY EXPIRES: 07/20/15</u>	NEEDS/PROBLEMS/COMMENTS:
	JEREMY HOYOS and LISA HOYOS,	1. Need proof of service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for: <ul style="list-style-type: none"> • Paternal Grandparents (Unknown) • Connie Hoyos (Maternal Grandmother)
	maternal uncle and aunt, are Petitioners.	
	<u>Please see petition for details</u>	
Cont. from		
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified		
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg		
<input checked="" type="checkbox"/> Aff.Mail	w/	
<input type="checkbox"/> Aff.Pub.		
<input type="checkbox"/> Sp.Ntc.		
<input checked="" type="checkbox"/> Pers.Serv.	w/	
<input checked="" type="checkbox"/> Conf. Screen		
<input checked="" type="checkbox"/> Letters		
<input checked="" type="checkbox"/> Duties/Supp		
<input type="checkbox"/> Objections		
<input type="checkbox"/> Video Receipt		
<input type="checkbox"/> CI Report		
<input type="checkbox"/> 9202		
<input checked="" type="checkbox"/> Order		
<input type="checkbox"/> Aff. Posting		
<input type="checkbox"/> Status Rpt		
<input checked="" type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		Reviewed by: LV
		Reviewed on: 07/15/2015
		Updates:
		Recommendation:
		File 11 – Ross

Petition for Attorney Fees

			CURTIS RIND LISBACHER is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
			Petitioner was court appointed to represent the Conservatee on 9/29/14.	
			The Fresno County Public Guardian was appointed Conservator of the Person and Estate on 11/3/14.	
	Aff.Sub.Wit.		Petitioner requests fees in connection with the representation of the Conservatee for the period from 9/29/14 through the present.	
✓	Verified		Petitioner asks that he be paid the sum of \$2,778.00 for 7.8 attorney hours @ \$325-335/hr and 2.0 paralegal hours @ \$110/hr, plus \$435.00 for filing fee for this petition.	
	Inventory		Services are itemized by date and include review of documents, communication with Public Guardian, County Counsel, meeting with Conservatee, appearance at hearings, and preparation of this petition. Petitioner includes an estimated 1.5 hours for appearance at this hearing.	
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail	W		
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.			
	Conf. Screen			
	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
				Reviewed by: skc
				Reviewed on: 7/15/15
				Updates:
				Recommendation:
				File 13 – Craig

Petition for Visitation

			See petition for details.	NEEDS/PROBLEMS/COMMENTS: 1. Need proof of service of Notice of Hearing at least 15 days prior to the hearing on Guardians Codie and Nicholas Azevedo. (Notice of Hearing field 7/13/15 has their names filled in on the proof of service, but no service information, so it does not appear that they were served.) 2. The Court may require notice of this petition to the father and other relatives as well.
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
	Aff.Mail			
	Aff.Pub.			
	Sp.Ntc.			
✓	Pers.Serv.	W		
	Conf. Screen			
	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
			Reviewed by: skc	
			Reviewed on: 7/15/15	
			Updates:	
			Recommendation:	
			File 14 - Freitas	

In Re: James & Marie Demera Family Trust Case No. 15CEPR00274
Keeler, William J. (for Petitioners Celeste Demera, Patrick J. Demera, Alice Kitahara and James V. Demera, Co-Trustees of the James and Marie Demera Family Trust)

Probate Status Hearing RE: Filing of the Amended Petition

		<p>CELESTE DEMERA, PATRICK J. DEMERA, ALICE KITAHARA, and JAMES V. DEMERA, Co-Trustees of the James and Marie DeMera Family Trust, filed Petition for Instructions and for Approval of Advancement Agreement and Abide-By Agreement on 3/17/15.</p> <p>At the hearing on 5/4/15, counsel stated he needs to amend the petition. The Court set this status hearing for the filing of the amended petition.</p>	<p>NEEDS/PROBLEMS/COMMENTS:</p> <p><u>Note:</u> On 7/1/15, a Request for Dismissal was entered for the petition; however, the request did not request to dismiss the entire action, so it appears this matter remains on calendar for the filing of an amended petition.</p> <p>1. Need amended petition.</p>
Aff.Sub.Wit.			
Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
		Reviewed by: skc	
		Reviewed on: 7/15/15	
		Updates:	
		Recommendation:	
		File 15 – Demera	

DOD: 12/7/14		HENRY MICHAEL PADILLA, JR., Son, is	NEEDS/PROBLEMS/COMMENTS:
		Petitioner and requests appointment	
		as Administrator with Full IAEA without	
		bond.	
Cont. from 050415		All heirs waive bond.	<p>Continued from 5/4/15. The following issues remain:</p> <ol style="list-style-type: none"> Petitioner lists Michelle Nino at #8, but does not state her relationship to the decedent. Need clarification. Need proof of service at least 15 days prior to the hearing of Notice of Petition to Administer Estate (DE-121) on Michelle Nino pursuant to Probate Code §8110. (Note: Ms. Nino waived bond, but notice is still required.) <p>Note: If granted, the Court will set status hearings as follows:</p> <ul style="list-style-type: none"> Monday, Dec. 21, 2015 for filing the Inventory and Appraisal Monday, Oct. 17, 2016 for filing the first account or petition for final distribution. <p>If the proper items are filed prior to the status hearing dates pursuant to Local Rule 7.5, the status hearings may come off calendar.</p>
<input type="checkbox"/>	Aff.Sub.Wit.	Full IAEA – ok	
<input checked="" type="checkbox"/>	Verified	Decedent died intestate	
<input type="checkbox"/>	Inventory	Residence: Fresno	
<input type="checkbox"/>	PTC	Publication: Business Journal	
<input type="checkbox"/>	Not.Cred.	Estimated value of estate:	
<input type="checkbox"/>	Notice of Hrg	Personal property: \$ 1,000.00	
<input type="checkbox"/>	Aff.Mail	Real property: \$155,000.00	
<input checked="" type="checkbox"/>	Aff.Pub.	Total: \$156,000.00	
<input type="checkbox"/>	Sp.Ntc.	Probate Referee: Rick Smith	
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters		
<input checked="" type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input type="checkbox"/>	9202		
<input checked="" type="checkbox"/>	Order		
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input type="checkbox"/>	FTB Notice		
			Reviewed by: skc
			Reviewed on: 7/15/15
			Updates:
			Recommendation:
			File 16- Padilla

Petition for Appointment of Guardian of the Person (Prob. Code §1510)

			See petition for details.	NEEDS/PROBLEMS/COMMENTS: 1. Need Notice of Hearing (Form GC-020). 2. Need proof of service of Notice of Hearing with a copy of the petition on the minor and all relatives pursuant to Probate Code §1511 <u>or</u> consent nad waiver of notice <u>or</u> declaration of due diligence on: - Carlos Reyes (Minor) - Alberto Reyes (Father) - Paternal Grandfather - Paternal Grandmother - Maternal Grandfather - Maternal Grandmother
Cont. from 061515				
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
	Notice of Hrg	X		
	Aff.Mail	X		
	Aff.Pub.			
	Sp.Ntc.			
	Pers.Serv.	X		
✓	Conf. Screen			
✓	Letters			
✓	Duties/Supp			
	Objections			
	Video Receipt			
✓	CI Report			
✓	Clearances			
✓	Order			
	Aff. Posting			
	Status Rpt			
✓	UCCJEA			
	Citation			
	FTB Notice			

Reviewed by: skc
Reviewed on: 7/15/15
Updates:
Recommendation:
File 17 - Reyes

Petition for Appointment of Guardian of the Person (Prob. Code §1510)

			See petition for details.	NEEDS/PROBLEMS/COMMENTS: 1. The Notice of Hearing served on Felipa Arredondo and Ruby Martinez is blank and the attached proof of personal service does not indicate that a copy of the petition was included in the service on Felipa Arredondo (paternal grandmother) and Ruby Martinez (maternal grandmother). The Court may require further service pursuant to Probate Code §1511. 2. If diligence is not found, need service on paternal grandfather and maternal grandfather pursuant to Probate Code §1511.
Cont. from 061515				
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail	W		
	Aff.Pub.			
	Sp.Ntc.			
✓	Pers.Serv.	W		
✓	Conf. Screen			
✓	Letters			
✓	Duties/Supp			
	Objections			
	Video Receipt			
✓	CI Report			
✓	Clearances			
✓	Order			
	Aff. Posting			
	Status Rpt			
✓	UCCJEA			
	Citation			
	FTB Notice			
			Reviewed by: skc	
			Reviewed on: 7/15/15	
			Updates:	
			Recommendation:	
			File 18 - Saavedra	

19 In Re: Gramenz Family Living Trust Agreement Case No. 15CEPR00398
Attorney: Stephen S. Picone, of San Jose (for Petitioners Daniel Caballero and Baldermar Martinez)

Petition for Accounting

			DANIEL CABALLERO and BALDEMAR MARTINEZ , beneficiaries, are petitioners.	NEEDS/PROBLEMS/COMMENTS:
			Petitioners state they are the grandchildren of the Settlor Opal E. Gramenz.	Continued from 6/1/15. Minute order states Ms. Horton represents that Mr. Gramenz has agreed to produce an accounting and that it can be filed within 45 days. If said account is filed a least two court days prior, then no appearance is necessary on 7/20/15.
Cont. from 060115				
	Aff.Sub.Wit.		Opal E. Gramenz was the mother of two children, RANDE L. GRAMENZ and LUCINDA G. MARTINEZ .	<p>1. Petition requests an order that Rande L. Gramenz be ordered to file and serve a code compliant accounting of the trust within 45 days of the issuance of the order. The Order that was provided orders that Rande L. Gramenz provide an accounting to Petitioners no later than 45 days from the issuance of the order by delivering the accounting to the Law Offices of Picone and Delfilippis. The order must reflect what is prayed for in the petition. Need new order.</p>
✓	Verified			
	Inventory		Lucinda G. Martinez died in 1998 predeceasing Opal.	
	PTC			
	Not.Cred.		Lucinda was survived by four children, DANIEL CABELLERO, KENNETH M. CABELLERO, BALDEMAR MARTINEZ and PRISCILLA MARTINEZ .	
✓	Notice of Hrg		Opal E. Gramenz died on 12/28/12.	
✓	Aff.Mail	W/	Opal E. Gramenz' son RANDE L. GRAMENZ , is the Successor trustee of the Gramenz Family Living Trust Agreement.	
	Aff.Pub.		The Trust provides that upon the death of the Trustor the Trust is to divide into as many equal shares as there are children of the Trustor then living and children of the Trustor then deceased leaving issue then living. The Trustor is to allocate one share for each living child and one share for the then living issue of a deceased child for who it shall be further subdivided in to sub-shares by right of representation.	
	Sp.Ntc.			
	Pers.Serv.		Petitioners state on 1/21/15, he requested that Trustee, Rande L. Gramenz provide them with an accounting of the Trust.	
	Conf. Screen		No accounting has been produced.	
	Letters			
	Duties/Supp			
	Objections			
	Video Receipt			
	CI Report			
	9202			
✓	Order			
	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
Please see additional page.				Reviewed by: KT Reviewed on: 7/15/15 Updates: Recommendation: File 19 - Gramenz

19 In Re: Gramenz Family Living Trust Agreement Case No. 15CEPR00398

Petitioners state Rande L. Gramenz has failed to submit the requested account, and not account was made in the six months preceding Petitioners' request. Rande L. Gramenz has failed in his duty to account. Petitioners are therefore entitled to an accounting of the Trust.

Petitioners pray for an order that:

1. **RANDE L. GRAMENZ** be ordered to file and serve a code compliant accounting of the Trust within 45 day of the issuance of the order;
2. For costs, and for such other and further relief as the Court deems just and proper.

Examiner note to self: Had the order for the 6/1/15 hearing. When went to review the file for the 7/20/15 the order was not there. Wasn't too concerned because the order was defective.

23 James Bissell Andersen (Estate) Case No. 15CEPR00017**Attorney Bergin, Robert E, JR (for Scott James Andersen – Administrator)****Probate Status Hearing Re: Filling Inventory and Appraisal**

DOD: 08/19/2013	SCOTT JAMES ANDERSEN , nephew, was appointed Administrator with Will Annexed on 02/09/2015 with full IAEA and without bond.	NEEDS/PROBLEMS/COMMENTS: Minute Order of 07/06/2015: Counsel will be filing an amended Inventory and Appraisal; if it is filed at least two court days prior to 07/20/2015, then no appearance is necessary on that date. 1. The Inventory and Appraisal filed 05/06/2015 indicates in the caption that it is the "Final" however the box indicating "a portion" of the estate was checked. Is the Inventory and Appraisal filed on 05/06/2015 a portion or the final? Need clarification. 2. Need <u>Final</u> Inventory and Appraisal or current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.
Cont. from, 060815, 070615	Letters issued on 02/10/2015.	
Aff.Sub.Wit.	Final Inventory and Appraisal filed 05/06/2015 shows an estate valued at \$215,000.00. – Please see Examiner note #1	Reviewed by: LV Reviewed on: 07/15/2015 Updates: Recommendation: File 23 - Anderson
Verified	Minute Order of 02/09/2015 set this matter for hearing for the filing of the Final Inventory and Appraisal.	
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		

DOD: 7-1-06		JONATHAN VAUGHAN, Son, is Petitioner and requests appointment as Administrator with Limited IAEA without bond.	NEEDS/PROBLEMS/COMMENTS:
		Limited IAEA – ok	Minute Order 6/2/15: Continued to allow time for the publication defect to be cured.
Cont from 032315, 050415, 060215, 070715		Decedent died intestate	Minute Order 7/7/15: Continued per request of counsel.
	Aff.Sub.Wit.	Residence: Miramonte, CA Publication: Fresno Bee	The following issue remains noted:
✓	Verified		
	Inventory	Estimated value of estate: Personal property: Unknown, if any Real property: \$78,000.00	1. The Fresno Bee publication used outdated language regarding notice to creditors. See Probate Code §8100 and Form DE-121, Notice of Petition to Administer Estate, which was updated 1/1/13. The Court may require amended publication.
	PTC		
	Not.Cred.	Probate Referee: Rick Smith	Note: If granted, the Court will set status hearings as follows: <ul style="list-style-type: none"> Tues, Aug. 25, 2015 for the filing of bond, if required Tues, Dec. 22, 2015 for the filing of the inventory and appraisal Tues, Oct. 18, 2016 for the filing of the first account or petition for final distribution. If the proper items are on file pursuant to local rules, the status hearings may be taken off calendar.
✓	Notice of Hrg		
✓	Aff.Mail	Petitioner requests bond be waived because the estate consists solely of real property upon which Petitioner currently resides. Waivers have been obtained from only two of the heirs; however, Petitioner requests that if the property is sold, any proceeds be placed into a blocked account.	Reviewed by: skc Reviewed on: 7-15-15 Updates: Recommendation: File 25 - Vaughan
✓	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
✓	Letters		
✓	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		

26 Gene Ray Chance (Estate)**Case No. 13CEPR00612****Atty Standard, Donna M (for Walter Sherwood Chance – Petitioner – Executor)****First Account and Report of Status of Administrator of Estate**

DOD: 10/16/2011		WALTER SHERWOOD CHANCE , Executor, is petitioner.	NEEDS/PROBLEMS/COMMENTS: Note: Executor was appointed with limited IAEA authority and funds to be placed into a blocked account. Any sale of real property would require court confirmation. Continued from 07/07/2015 per request of the Attorney. Minute Order of 06/30/2015: Counsel represents that she has not received a receipt from her client, but she is attempting to contact him. The court orders that the receipt or a declaration verified by Walter Chance be filed by 07/06/2015. 1. Order appointing personal representative orders all funds of the estate to be placed in a blocked account. Accounting shows income from rents in the amount of \$9,000 and disbursements of \$1,988.33. Supplement to the First Account and Report of Status of Administration of the Estate filed 06/15/2015 states "the cash amounts presently in the Estate are held by Sabine Bank in a blocked interest bearing account" however there is no evidence of a receipt for blocked account having been filed with the court. Need proof of funds placed in a blocked account. Please see additional page
		Account period: 07/12/2013- 01/31/2015	
Cont. from 051915 063015, 070715		Accounting - \$175,373.59	
		Beginning POH - \$165,000.00	
<input type="checkbox"/>	Aff.Sub.Wit.	Ending POH - \$173,960.16	
<input checked="" type="checkbox"/>	Verified	(\$8,960.16 is cash)	
<input checked="" type="checkbox"/>	Inventory	Executor – Not requested at this time	
<input type="checkbox"/>	PTC	Attorney – Not requested at this time	
<input checked="" type="checkbox"/>	Not.Cred.	Petitioner states: the estate is not in a condition to be closed at the present time until a sale of real property has occurred. At time of sale petitioner would request that upon confirmation of the sale and receipt of all proceeds from the sale of the real property that those funds be distributed pursuant to the Private Covenant/Contract which has been deemed the Last Will of Decedent, Gene Ray Chance.	
<input checked="" type="checkbox"/>	Notice of Hrg		
<input checked="" type="checkbox"/>	Aff.Mail	w/	
<input type="checkbox"/>	Aff.Pub.		
<input type="checkbox"/>	Sp.Ntc.		
<input type="checkbox"/>	Pers.Serv.		
<input type="checkbox"/>	Conf. Screen		
<input checked="" type="checkbox"/>	Letters	11/26/13	
<input type="checkbox"/>	Duties/Supp		
<input type="checkbox"/>	Objections		
<input type="checkbox"/>	Video Receipt		
<input type="checkbox"/>	CI Report		
<input checked="" type="checkbox"/>	9202		
<input type="checkbox"/>	Order	x	
<input type="checkbox"/>	Aff. Posting		
<input type="checkbox"/>	Status Rpt		
<input type="checkbox"/>	UCCJEA		
<input type="checkbox"/>	Citation		
<input checked="" type="checkbox"/>	FTB Notice		

2. A Supplemental Inventory and Appraisal was filed 05/28/2015 showing real property located at 3527 Hopewell Rd. Squaw Valley valued at \$100,000.00, this address differs from the real property listed on the Inventory and Appraisal filed 01/10/2014 however both have the same APN number. Also listed is real property adjacent to 35427 Hopewell Rd. Squaw Valley estimated at \$35,000.00 that does not include an APN. It is unclear if the Supplemental Inventory and Appraisal is indeed a Supplemental or is it in fact a corrected Inventory and Appraisal. Need clarification.
3. If the material facts have changed, such as the value of the assets, then need amended petition.
4. Need Order.

Note: If the petition is granted status hearings will be set as follows:

- **Tuesday, 07/19/2016 at 9:00a.m. in Dept. 303** for the filing of the Second account and final distribution.

Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.

		INLAND COUNTIES REGIONAL CENTER, INC., Trustee, is Petitioner.	NEEDS/PROBLEMS/COMMENTS:
		ROBERT BRITTON , Trust Officer, Master Trust of California, verified the petition.	
Cont. from 071315		Account period: 11/1/13 – 2/28/15	<p>1. Petitioner includes values for <u>unrealized</u> gains and losses in calculation of the charges for this account. This appears improper, as these figures represent market value fluctuation rather than carry value. See Probate Code §1061 which clarifies that property on hand must be stated at carry value, and §1063, which requires separate schedule for market values. The Court may require clarification or authority for use of these figures or amended account.</p> <p>2. The Court may require a more detailed description of the trustee's services rendered and itemization of time spent in performance of the trustee's duties pursuant to Cal. Rule of Court 7.776(6) and 7.903(c)(8) and Probate Code §2646.</p> <p style="text-align: center;">SEE PAGE 2</p>
	Aff.Sub.Wit.	Accounting: \$108,017.43	
✓	Verified	Beginning POH: \$104,074.26	
	Inventory	Ending POH: \$100,428.96 (cash)	
	PTC	Trustee: \$1,295.46 (1% of the funds held in the trust in quarterly fees)	
	Not.Cred.	Attorney: \$1,697.50 (for 2.55 attorney hours @ \$250/hr, including 1 hour estimated for court appearance, and 10.6 paralegal hours @ \$100/hr, including 1 hour estimated time for preparation of Notice of Hearing, itemized per declaration)	
✓	Notice of Hrg	Costs: \$86.00 (CourtCall appearance)	
✓	Aff.Mail W	Petitioner states Petitioner had been using the new fee scheduled dated 2/14/12 on other special needs trusts being administered by Petitioner and inadvertently followed the new fee schedule on this case for the fourth quarter 2013, first quarter 2014, and second quarter 2014 even though the new fee schedule was not approved by the court. The trust has been refunded the difference of \$794.96, which will be reflected in the next account period. There are no individual account statements because this is a pooled investment fund; therefore, a breakdown of trustee fees is provided in a table in the petition at Page 5. Petitioner requests authority to allow Master Trust of California to continue taking trustee fees in the amount of 1% of the trust assets in quarterly trustee fees.	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	2620 X		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
SEE PAGE 2			<p>Reviewed by: skc</p> <p>Reviewed on: 7/15/15</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 29 – Allen</p>

Petitioner requests that:

1. This account be settled, allowed and approved;
 2. All acts and transactions of the trustee as set forth in this account and report or relating to the matters set forth therein be ratified, confirmed and approved;
 3. The Court authorize Petitioner to pay its attorney, Steven K. Beckett, the sum of \$1,697.50 from Jack N. Allen, Jr.'s trust funds held by Master Trust of California for legal services rendered to the trust estate during the accounting period;
 4. The Court authorize Petitioner to pay its attorney, Steven K. Beckett, the sum of \$86.00 from Jack N. Allen, Jr.'s trust funds held by Master Trust of California for advanced costs of administration;
 5. The Court approve payment of \$2,272.29 as trustee fees paid to Master Trust of California which had been approved but unpaid during the last accounting period;
[Examiner's Note: This payment was approved in the Court's Order filed 7/8/14.]
 6. The Court approve payment of \$1,295.46 as trustee fees paid to Master Trust of California during this accounting period and that the additional \$794.96 in trustee fees that were inadvertently taken shall be refunded to the trust and be reflected in the next accounting period;
 7. That Petitioner be authorized to continue taking 1% of the trust assets in quarterly trustee fees; and
 8. Other relief that the Court considers proper.
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NEEDS/PROBLEMS/COMMENTS (Cont'd):

3. **Local Rule 7.17.B.5. effective 1/1/15 disallows reimbursement of telephonic appearance costs as a cost of doing business and not reimbursable. The Court may disallow the \$86 requested.**